

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN T. KOENIG,

No. C 09-05462 CW (PR)

Petitioner,

ORDER OF TRANSFER

v.

STATE OF CALIFORNIA,

Respondent.

/

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. Petitioner filed a motion for leave to proceed in forma pauperis.

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction.

1 See Dannenberq v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Here, Petitioner challenges a conviction and sentence incurred
4 in the Tehama County Superior Court, which is in the venue of the
5 Eastern District of California. See 28 U.S.C. § 84. Accordingly,
6 that is the proper venue for this action.

7 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and
8 in the interest of justice, the Clerk of the Court is ordered to
9 TRANSFER this action forthwith to the United States District Court
10 for the Eastern District of California.

11 IT IS SO ORDERED.

12 Dated: 12/29/09

13 CLAUDIA WILKEN
14 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

STEVEN T. KOENIG,

Plaintiff,

Case Number: CV09-05462 CW

V.

CALIFORNIA STATE OF et al,

Defendant.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on December 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

Steven Thomas Koenig V-78396
CTF - Soledad
P.O. Box 686
SA333 up
Soledad, CA 93960-0686

Dated: December 29, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk